<center>REMARKS/ARGUMENTS</center>

In the office action dated 08/18/2010 claims 34, 39 and 43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The examiner states that claims 34, 39 and 43 are broad enough to include both transitory and non-transitory media, and that a transitory medium does no fall into any of the 4 categories of invention (process, machine, manufacture or composition of matter). Claims 34 has been amended to claim non-transitory storage medium, and claims 39 and 43 are amended to claim non-transitory storage medium and are thus now allowable under 35 U.S.C. 101, which allowance is respectfully requested.

Claims 1, 6, 10, 34, 39, 43, 44, 48 and 52 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 32, 33 and 34 of copending Application No. 11/245,577 in view of Appelman et al. U.S. Patent 6,539,421 (hereinafter Appelman) in view of Robertson et al. U.S. Patent 6,209,100 (hereinafter Robertson). The rejection under Appelman and Robertsion is traversed and will be argued in connection with the following rejections. A terminal disclaimer to obviate a provisional double patenting rejection over a pending reference application is filed with this amendment to overcome the rejection, and allowance is respectfully requested.

Claim 43 is objected to because of a typographical error for a missing "for" in claim 43. The typographical error as been corrected in claim 43 by inserting "for" between "product" and "electronic instant message" as suggested by the examiner. Allowance of claim 43 over the objection is respectfully requested.

Claims 1-4, 10, 31, 33-37, 43-46, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman in view of Robertson in view of Marks et al. U.S. Patent 7,596,578 (hereinafter Marks). The rejection is traversed and reconsideration is respectfully requested.

The examiner cites column 2, lines 20-31in Appelman as teaching a willingness to answer questions related to the topic of interest. The citation in Appelman only indicates that a buddy

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list is maintained: "the Buddy List is implemented as a window 140 that lists specified users, or buddies, who are signed on to the AIM system. … The Buddy List is updated based on information received from a server to add or delete names of buddies as they sin on and off, respectively." Claim 1 claims "the second client being a subscriber to the service of the pub/sub service as being willing to received messages related to the topic of interest and being anonymous to the first client and said other subscribers of the pub/sub service". There is no teaching or suggestion in Appelman that the second client, a buddy joining the Buddy List, is a subscriber to a service of the pub/sub service for messages of a topic of interest. In Appelman, a buddy is added to the Buddy List by information from a server. In claim 1, the subscriber subscribes to a service for messages having a topic of interest. In claim 1, the second client is anonymous to the first client, whereas in Appelman, a buddy is added to the Buddy List, thereby making the buddy known to the user and other members of the Buddy List (see column 2, line 29-30: "indications to help notify the user that a buddy has signed on or off."). It is submitted that Appelman does not teach or suggest that the second user registers to a service for receiving messages of a topic of interest as claimed.

The examiner cites column 1, lines 49-67 of Robertson as showing a second client being a subscriber to the pub/sub service and willing to receive questions related to a topic of interest. However, in Robertson the newsgroups are a free benefit so access to USENET newsgroups is open to any Internet user and no user registration takes place prior to participation (see column 1, lines 58-61). Further, claim 1 claims "presenting the second message and the additional information at the first client". In Robertson, the use of a newsgroup does not suggest adding further information (such as an answer) to the message sent for the second user client to the first client, as claimed. The examiner cites column 9, lines 43-67 and Fig. 16-19 of Appelman as showing as showing this element. However, Appelman is directed to a chat session in which the respondent is known to the first sender which does not teach or suggest that a first message is sent to a client who has subscribed to a topic of interest, and in which a second message is sent from the second client to the first client wherein the second message comprises the first message and the first network address, the first message providing context to the second message and including further information pursuant to the specific interest in the first message, as claimed. The method for anonymously posting a message to a moderated forum, which can be moderated despite the anonymous contribution disclosed in Robertson would not work with Appelman since

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Appelman rely on buddies being added to a Buddy List as set out in Appelman column 2, lines 21-31. It is submitted that the forum of Robertson is a forum in which a forum message is published or posted to the forum in which participants submit messages to the newsgroup (see Robertson column 1, line 52-54. In claim 1, the second message is sent from the second client to the first client, and presenting the second message and the additional information at the first client rather than to a newsgroup.

The examiner cites Marks column 6, lines 43-51 as showing filtering at the second client the message received from the first client. However, claim 1 claims: "the included request have to pass the filtering in order for the second client to see the request". In Marks, the question is input by the user at a client interface, such as computer 102, and transmitted via network 116 to server 114. Questions received by server 114 are filtered either automatically (e.g., using a computer or microprocessor) or by a human operator, such as a doctor, an expert, a medical professional, an insurance case manager and/or an administrator, to eliminate non-relevant or redundant questions. The system then routes the question to one of the experts at an expert interface, such as computer 110 (see column 6, lines 45-53). If the examiner is considering the server as the second client, Marks does not teach or suggest that the filtering is for passing messages of specific interest to the second client as claimed. In Marks, the server only filters to eliminate non-relevant or redundant questions, and then passes the messages to one of the experts (see column 6, lines 51-52). If the examiner considers the human operator to be a sort of filter, the human operator would have to see the message to perform the filtering operation. In claim 1, the request has to pass the filtering in order for the second client to see the request. If the human operator cannot see the request, the human operator cannot perform the filtering operation, as claimed. If the examiner considers the experts to be the second client, the experts do not filter the messages for messages of specific interest to the second client, but only received the filtered questions (see column 6, lines 52-54). In column 6, lines 64-67, an expert can select a specific question to answer, and once the expert selects a question to answer, the expert can then answer the question. Again, if the examiner considers the expert selecting a question to be a sort of filtering, this does not teach or suggest claim 1 wherein the request has to pass the filtering in order for the second client to see the request. Thus, the expert could not select the question to answer because the request cannot be seen by the expert, as claimed.

These remarks also apply to claims 10, 34, 43, 44 and 52 for the same reasons. It is respectfully submitted that claims 1, 10, 34, 43, 44 and 52, and all claims depended therefrom, are allowable under 35 U.S.C. 103(a) over Appelman in view of Robertson in view of Marks, which allowance is respectfully requested.

Claims 6-9, 39-42, 48-51 are rejected under 35 US.C 103(a) as being unpatentable over Appelman in view of Marks further in view of Robertson. The rejection is traversed and reconsideration is respectfully requested.

In Appelman, a buddy list is maintained: "the Buddy List is implemented as a window 140 that lists specified users, or buddies, who are signed on to the AIM system. … The Buddy List is updated based on information received from a server to add or delete names of buddies as they sin on and off, respectively" (see Appelman column 2, lines 21-31). Claim 6 claims "publishing the message including a equest and to subscribers of the pub/sub server subscribing to messages related to said topic of interest, said subscribers being anonymous to said firs user and other subscribers". There is no teaching or suggestion in Appelman that the subscribers, a buddy joining the Buddy List, is a subscriber to a service of the pub/sub service for messages of a topic of interest. In Appelman, a buddy is added to the Buddy List by information from a server. In claim 6, the subscriber subscribes to a service for messages having a topic of interest. In claim 6, the subscribers are anonymous to the first user, whereas in Appelman, a buddy is added to the Buddy List, thereby making the buddy known to the user and other members of the Buddy List (see column 2, line 29-30: "indications to help notify the user that a buddy has signed on or off."). It is submitted that Appelman does not teach or suggest that the subscribers subscribe to messages related to a topic of interest as claimed.

The examiner cites Marks column 6, lines 43-51 as showing filtering at the second client the message received from the first client. However, claim 6 claims: "the included request have to pass the filtering in order for the subscribers to see the request". In Marks, the question is input by the user at a client interface, such as computer 102, and transmitted via network 116 to server 114. Questions received by server 114 are filtered either automatically (e.g., using a computer or microprocessor) or by a human operator, such as a doctor, an expert, a medical professional, an insurance case manager and/or an administrator, to eliminate non-relevant or redundant questions. The system then routes the question to one of the experts at an expert

interface, such as computer 110 (see column 6, lines 45-53). If the examiner is considering the server as each subscriber, Marks does not teach or suggest that the filtering is for passing messages of specific interest to the respective subscribers ... the included requests have to pass the filtering in order for the subscribers to see the request, as claimed. In Marks, the server only filters to eliminate non-relevant or redundant questions, and then passes the messages to one of the experts (see column 6, lines 51-52). If the examiner considers the human operator to be a sort of filter, the human operator would have to see the message to perform the filtering operation. In claim 6, the request has to pass the filtering in order for the subscribers to see the request. If the human operator cannot see the request, the human operator cannot perform the filtering operation, as claimed. If the examiner considers the experts to be the subscribers, the experts do not filter the messages for messages of specific interest to the respective subscribers, but only received the filtered questions (see column 6, lines 52-54). In column 6, lines 64-67, an expert can select a specific question to answer, and once the expert selects a question to answer, the expert can then answer the question. Again, if the examiner considers the expert selecting a question to be a sort of filtering, this does not teach or suggest claim 6 wherein the request has to pass the filtering in order for the subscribers to see the request. Thus, the expert could not select the question to answer because the request cannot be seen by the expert, as claimed.

The examiner cites Robertson as showing a subscriber being a subscriber to the pub/sub service and willing to receive questions related to a topic of interest. However, in Robertson the newsgroups are a free benefit so access to USENET newsgroups is open to any Internet user and no user registration takes place prior to participation (see column 1, lines 58-61). Further, claim 6 claims "presenting the second message and the additional information at the first client". In Robertson, the use of a newsgroup does not suggest adding further information (such as an answer) to the message sent for the second user client to the first client, as claimed. As discussed, Appelman is directed to a chat session in which the respondent is known to the first sender which does not teach or suggest publishing messages to subscribers who has subscribed to a topic of interest, and in which a second message is sent from the second user to the first user wherein the second message comprises the first message and the first network address, the first message including further information pursuant to the specific interest in the first message, as claimed. The method for anonymously posting a message to a moderated forum, which can be moderated despite the anonymous contribution disclosed in Robertson would not work with

Appelman since Appelman rely on buddies being added to a Buddy List as set out in Appelman column 2, lines 21-31. It is submitted that the forum of Robertson is a forum in which a forum message is published or posted to the forum in which participants submit messages to the newsgroup (see Robertson column 1, line 52-54. In claim 6, the second message is sent from the second user to the first user rather than to a newsgroup.

These remarks apply to claims 39 and 48 for the same reasons. It is respectfully submitted that claims 6, 39 and 48, and all claims depended therefrom, are allowable under 35 US.C 103(a) over Appelman in view of Marks further in view of Robertson, which allowance is respectfully requested.

It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

> RESPECTFULLY SUBMITTED
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